

APPEAL NO. 010307

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 23, 2001. The hearing officer determined that the "Claimant [appellant] reached maximum medical improvement [MMI] on June 9, 1999, with an impairment rating [IR] of 4%."

The claimant appeals, contending that the hearing officer failed to consider evidence favorable to him and claiming that the designated doctor's report failed to consider the entire injury. There is no response from the respondent (carrier).

DECISION

Affirmed.

On _____, the claimant injured his wrist while employed by (employer) while on light duty from a previous injury. The parties stipulated that the date of MMI is June 9, 1999.

On July 15, 1999, the claimant was given a 14% IR by Dr. V, apparently a referral doctor from the treating doctor. On November 24, 1999, Dr. D, another referral doctor, assessed an IR of 34%. The carrier disputed that rating and requested that the Texas Workers' Compensation Commission (Commission) appoint a designated doctor. On February 28, 2000, the designated doctor, Dr. H, gave the claimant an IR of 4% based on an injury to the right wrist.

Section 408.125(e) provides that, if the designated doctor is chosen by the Commission, the report of the designated doctor shall have presumptive weight and the Commission shall base the IR on that report unless the great weight of the other medical evidence is to the contrary. The hearing officer found that the great weight of other medical evidence was not contrary to Dr. H's report and that the claimant had a 4% IR.

The claimant contends that Dr. H's report is invalid because Dr. H failed to provide an IR for the entire compensable injury to include reflex sympathetic dystrophy (RSD). Dr. H indicated in his report that his examination of the claimant did not reveal objective findings of RSD and that the claimant was not cooperating with his examination. The hearing officer specifically found that, to the extent that the claimant may have RSD, "his RSD condition was not caused by [the compensable injury]." While there is evidence to the contrary, it was for the hearing officer, as the sole judge of the weight and credibility of the evidence (Section 410.165(a)), to determine what facts had been established from the evidence presented. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust.

The hearing officer's decision and order are affirmed.

Thomas A. Knapp
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Robert W. Potts
Appeals Judge